

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.R. DAVIS COMPANY, INC.,

Plaintiff,

-vs-

JACOBSON MFG.,

Defendant.

Case No. 15-10066

HON. AVERN COHN

SUPPLEMENTAL MEMORANDUM

This is a post-termination sales commission dispute case. On September 22, 2015, the Court entered a Memorandum and Order Granting in Part and Denying in Part Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 27). Prior to entering this Order, the parties stipulated to the entering of a Second Amended Complaint (Doc. 23) and only recently withdrew the Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 26). Therefore, the Second Amended Complaint is the governing complaint and the Order regarding Defendant's motion to dismiss Plaintiff's First Amended Complaint is moot.

However, as the Court noted in its Order, declaratory judgment is not a freestanding claim, but rather a form of relief. See Stroh Props. v. City of Detroit, 2013 WL 626478, *3 (E.D. Mich. Feb. 20, 2013)(citing Int'l Ass'n of Machinists and Aerospace Workers v. Tenn. Valley Auth., 108 F.3d 658, 668 (6th Cir. 1997)). "Equitable relief is, by its nature, a remedy, rather than a cause of action." Id. Accordingly, Count III for

declaratory judgment in the Second Amended Complaint is DISMISSED but declaratory judgment remains a form of available relief moving forward.

SO ORDERED.

s/Avern Cohn

AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 24, 2015
Detroit, Michigan